



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sunil Chada et al.

Serial No.: 10/791,692

Filed: March 2, 2004

For: METHODS AND COMPOSITIONS

**INVOLVING MDA-7** 

Group Art Unit: 1645

Examiner: Unknown

Atty. Dkt. No.: INGN:105US

#### CERTIFICATE OF MAILING 37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 15, 2004

Date

Monica A. De La Paz

# RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(B)

### MS MISSING PARTS

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b), dated April 19, 2004, enclosed are:

- (a) Six Declarations executed on behalf of Sunil Chada, John B. Mumm, Rajagopal Ramesh, Abner M. Mhashilkar, Raymond E. Meyn, and Elizabeth Grimm;
- (b) Two Powers of Attorney on behalf of Board of Regents, The University of Texas System and Introgen Therapeutics, Inc.;
- (c) Substitute Drawings, Figures 1-74 on 87 pages;

(d) Our check in the amount of \$1401.00 to cover the basic filing fee

(\$385.00 - utility small entity); surcharge for late filing (\$65.00); additional claims

fee (\$476.00); three month extension of time fee (\$475.00);

(e) A copy of Notice to File Missing Parts of Nonprovisional Application filed under

37 CFR 1.53(b); and

(f) A Request for Extension of Time of three months to and including September 19,

2004. Should such request be absent, consider this such a request and authorization

to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Assignments to Board of Regents, The University of Texas System and Introgen

Therapeutics, Inc. and checks for \$40.00 each are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.

§§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an

overpayment be included herein, the Commissioner is authorized to deduct or credit said fees

from or to Fulbright & Jaworski Deposit Account No.: 50-1212/INGN:105US.

Please date stamp and return the accompanying postcard to evidence receipt of these

documents.

Respectfully submitted,

Monica Chile hy Monica A. De La Paz

Reg. No. 54,662

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, Texas 78701 (512) 474-5201

Date:

September 15, 2004



# United States Patent and Trademark Office

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P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/791.692

03/02/2004

Sunil Chada

INGN:105US

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**CONFIRMATION NO. 3897** FORMALITIES LETTER \*OC000000012383428\*

Date Mailed: 04/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/17/2004 LWONDIM1 00000078 10791692

01 FC:2001 02 FC:2051 03 FC:2201 04 FC:2202

385.00 DP 65.00 OP 215.00 OP 261.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

## **Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-49A,50-52,54-63.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

• Additional claim fees of \$476 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

# **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$926 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$476
  - \$215 for 5 independent claims over 3.
  - **\$261** for **29** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE